

from around this country that tirelessly advocated on behalf of its passage. They are the groups that originally came to me with the heart-wrenching problem that these orphans face, and they suggested an idea for a solution. I would like to recognize the Defense Forum Foundation, the North Korea Freedom Coalition, the Korean Church Coalition for North Korea Freedom, the Korean American Coalition, the Korean Churches for Community Development, the 300 Pastoral Coalition, and the 318 Partners. These are the groups that suggested that with a lot of hard work we might get this legislation through. They put through countless phone calls and meetings and rallies up here on Capitol Hill and I think really helped generate the widespread support that this bill has today.

Of course, the bill stems from the problem that for over 50 years North Korea has been one of the world's most repressive regimes. Every imaginable freedom that we enjoy here—speech or assembly or association or worship, and actually oddly enough, even the right to smile—is denied in North Korea by one statute or another. Meanwhile, the regime's elites live in luxury. Of course, the people, especially in the rural areas of North Korea, starve.

It is little wonder why tens of thousands of North Koreans, many of them women and children, flee to China. For many, it's a last resort. It's a final chance to avoid starvation for those children and avoid unspeakable oppression. Yet that choice is not always an easy one. That path to freedom is very perilous. Those fleeing North Korea often make their journey during the winter, and they cross over that Tumen River as it's frozen. Those temperatures there are subzero, and the terrain is treacherous. It is an obstacle course of checkpoints and of informants, and they make that a very dangerous journey. Sadly, but not surprisingly, many refugees succumb to the elements. There are many bodies frozen along that bank.

Those that survive also face dangers from human traffickers. As one dissident told National Geographic, crossing the Tumen was easy compared to what happened next as she was tricked into getting into a car that belonged to a sex trafficker. For the next year, she remained locked in a room, forced into selling her body. The result of all of this is that many North Korean orphans are left in China. Worse yet, they are stateless and they are without identification. Estimates show that thousands of children are left stateless in the border region between North Korea and China, and there they suffer. If they're sent back to North Korea, they suffer unimaginably.

Mr. Speaker, this is why we need to pass this legislation. This bill is a good first step in responding to this human rights crisis. Specifically, this bill would have the State Department develop a strategy for assisting stateless children from North Korea.

□ 1830

While many American families would welcome the opportunity to adopt a North Korean orphan, many hurdles remain. For example, children must certify that they have lost their parents or legal guardians and that they have absolutely no one to rely on. A child orphan in North Korea would have a very hard time proving that attestation.

Most of these children have great difficulty proving this to their own understanding, and they have no death certificate of parents, and many have no proof that they truly are orphans. By passing this bill, we will be taking an important step towards solving these problems.

We are not committing to any particular policies, but we are committing to doing what we can to help these defenseless children. We are trying to create a win/win for these desperate young ones, orphans living in deplorable conditions and their potential new families.

Again, I thank you, Chairman ROS-LEHTINEN, I thank you for your support, and we thank the numerous American Korean organizations, and we thank Ranking Member BERMAN for all of this help. I urge my colleagues to support this important bill.

Mr. BERMAN. Mr. Speaker, I have no further requests for time, and I urge support for the legislation.

I yield back the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I think Mr. ROYCE did a wonderful job in summing up our bipartisan position.

With that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and pass the bill, H.R. 1464.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

CALLING ON VIETNAM TO RESPECT BASIC HUMAN RIGHTS AND CEASE ABUSING VAGUE NATIONAL SECURITY PROVISIONS

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 484) calling on the Government of the Socialist Republic of Vietnam to respect basic human rights and cease abusing vague national security provisions such as articles 79 and 88 of the Vietnamese penal code, which are often the pretext to arrest and detain citizens who peacefully advocate for religious and political freedom, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 484

Whereas article 79, which penalizes "carrying out activities aimed at overthrowing

the people's administration", carries a maximum penalty of death and is used by the Government of the Socialist Republic of Vietnam to crack down on citizens advocating for political pluralism or associating with prodemocracy parties, including—

(1) Le Cong Dinh, Tran Huynh Duy Thuc, Nguyen Tien Trung, Le Thang Long, and Tran Anh Kim arrested in 2009;

(2) Cao Van Tinh, Duong Kim Khai, Nguyen Chi Thanh, Nguyen Thanh Tam, Pham Minh Hoang, Pham Ngoc Hoa, Pham Van Thong, and Tran Thi Thuy arrested in 2010; and

(3) Dang Xuan Dieu, Ho Duc Hoa, Ho Van Oanh, Nguyen Dinh Cuong, Nguyen Van Duyet, Nguyen Van Oai, Nguyen Xuan Anh, Nong Hung Anh, Paulus Le Son, Thai Van Dung, and Tran Minh Nhat arrested during the summer of 2011;

Whereas article 88, which penalizes "conducting propaganda against the State", carries a maximum sentence of 12 years imprisonment and is used by the Government of Vietnam to detain writers and bloggers, including—

(1) Father Nguyen Van Ly, Nguyen Phong, and Tran Quoc Hien arrested in 2007;

(2) Nguyen Van Hai ("Dieu Cay"), Nguyen Xuan Nghia, Pham Thanh Nghien, and Pham Van Troi arrested in 2008;

(3) Cu Huy Ha Vu, Phan Thanh Hai, and Vi Duc Hoi arrested in 2010; and

(4) Chu Manh Son, Dinh Dang Dinh, Dinh Van Nhung, Do Van Hoa, Hoang Phong, Lu Van Bay, Nguyen Kim Nhan, Ta Phong Tan, Tran Huu Duc, and Viet Khang arrested in 2011;

Whereas Vietnam is a signatory to the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights; and

Whereas closer economic and security ties between the United States and Vietnam are ultimately contingent on the Government of Vietnam's respect for basic freedoms: Now, therefore, be it

Resolved, That the House of Representatives—

(1) condemns the continued and worsening crackdown in the Socialist Republic of Vietnam against community organizers, bloggers, and democracy activists;

(2) calls on the Government of Vietnam to repeal articles 79 and 88 of the Vietnamese penal code and similar vague national security measures used to persecute peaceful political opposition and dissent;

(3) calls on the Government of Vietnam to release all political prisoners, especially all activists, writers, and bloggers who have been detained or sentenced under articles 79 and 88 of the Vietnamese penal code; and

(4) urges the United States Department of State to monitor rule of law developments in Vietnam, to help ensure that Vietnamese laws are administered in ways that are consistent with Vietnam's international human rights commitments.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous material into the RECORD on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of House Resolution 484, a bipartisan resolution of LORETTA SANCHEZ, a bill of which I am a cosponsor.

This resolution calls on the Vietnamese authorities to “respect basic human rights and cease abusing vague national security provisions such as articles 79 and 88 of the Vietnamese penal code.” These draconian legal measures are often used to arrest and detain citizens who peacefully advocate for political and religious freedom.

When the Bush administration signed the bilateral trade agreement with Vietnam in the year 2006, which paved the way for Vietnam joining the World Trade Organization the next year, the Congress was assured that trade liberalization with Hanoi would lead, inevitably, to political liberalization.

This proved, however, to be as spurious a promise as one made by the Clinton administration, which vowed that the liberalization of trade would open the door to democracy and human rights in China. The siren song that trade is the panacea for ending totalitarian oppression is directly contradicted by reports of deteriorating human rights conditions in both Vietnam and China.

As Hanoi comes increasingly to Washington seeking strategic support for its dispute with the Chinese in the South China Sea, one can only ask, why are we not using Hanoi’s concerns in the South China Sea as leverage to win greater concessions on the dismal human rights conditions in Vietnam?

Why would we even consider helping Vietnam against Chinese bullying as long as Hanoi holds behind bars United States citizen Dr. Quan. Dr. Quan is a mathematician, and he has been detained in Vietnam since he returned there for a family visit in April.

This resolution spells out in great detail how Hanoi makes use of the security provisions contained in articles 79 and 88 to continue to detain such noted democracy advocates as Father Ly.

Article 88’s provision regarding propaganda against the State gives Hanoi great leeway in detaining and imprisoning human rights activists, writers, those who advocate for democracy, journalists, Internet bloggers, the list goes on.

The repeal of articles 79 and 88, and the release of all political prisoners, as called for in this important resolution, would represent first steps away from the continued totalitarian oppression of the Vietnamese regime. Our State Department should not put concern for human rights and the protection of the rights of U.S. citizens on a back burner while we pursue commercial and strategic opportunities with the leaders in Hanoi.

We in Washington must be of one voice in strongly condemning the continuing crackdown on human rights and democracy in Vietnam. We should

also remember that without the rule of law, it is not only democracy advocates who are put at risk, but also those whose special contracts will prove to be worthless pieces of paper.

Therefore, Mr. Speaker, I urge my colleagues to give their strong and unwavering support for this resolution.

With that, I reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I rise in support of H. Res. 484, as amended, and I yield myself such time as I may consume.

First, I want to thank the sponsor of the legislation, the gentlewoman from California (Ms. LORETTA SANCHEZ). For her entire time in this Congress she has been a passionate and eloquent spokesperson on behalf of the Vietnamese people and their right to have their political, individual, and religious rights. The same goes for the chair of the Foreign Affairs Committee, Ms. ROS-LEHTINEN, who in all human rights issues has been a true congressional leader.

This resolution calls on Vietnam’s government to respect basic human rights for its people and to stop using vague national security laws as a pretext to arrest and detain citizens who peacefully advocate for religious and political freedom. This resolution demonstrates America’s commitment to human rights, democracy, and the rule of law by calling on the Government of Vietnam to release all political prisoners, including activists, writers, and bloggers, who have been unfairly detained or sentenced. The names of over 40 of these political dissidents and activists who were peacefully expressing their views and posed no threat to Vietnam’s national security are included in this resolution.

Vietnam must stop criminalizing free speech and peaceful political activism and begin upholding the universal declaration of human rights and the international covenant on civil and political rights to which it is a signatory.

As ties between the U.S. and Vietnam continue to develop and mature, Hanoi must understand that respect for the universal principles of democracy, freedom, and human rights remains a central part of our bilateral relationship. And more progress in these areas is needed before, as we have said before, that relationship can be taken to the next level. I urge my colleagues to support this resolution.

I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 1 minute to my good friend from California (Mr. ROYCE), the chairman of the House Committee on Foreign Affairs Subcommittee on Terrorism, Nonproliferation, and Trade.

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Mr. ROYCE. Mr. Speaker, I rise in support. As Human Rights Watch noted, last year saw a steady stream of political trials and arrests, likely spurred, in part, by Vietnamese Government concerns that the pro-democ-

racy Arab Spring movement might reach Asia.

As they explained, there’s at least 24 convictions right now under article 79 and article 88 of the penal code that have been handed down. Hence the need for this resolution to pass this Chamber. We should all support it.

Mr. BERMAN. I am pleased to yield such time as she may consume to the sponsor of this resolution, the gentle lady from California (Ms. LORETTA SANCHEZ).

Ms. LORETTA SANCHEZ of California. Thank you to Chairwoman ROS-LEHTINEN and to Ranking Member BERMAN and to the committee for bringing this resolution to the House floor.

Mr. Speaker, Dr. Nguyen Quoc Quan is a democracy activist, and he’s also a member of a democracy activist organization here called Viet Tan. On April 17 of this year, an American citizen—yes, Dr. Nguyen is an American citizen—was arrested at Saigon Airport by the Vietnamese authorities, and he was charged with terrorism for 4 months for possessing educational documents on leadership skills and on nonviolent political activism. How can possession of educational documents be considered terrorism?

Last month, the Vietnamese Government decided to change Dr. Nguyen’s crime from terrorism to subversion, despite having no grounds for either one of those two things. Democracy activists such as Paulus Le Son, Ho Duc Hoa, Dan Xuan Dieu all have been detained under article 79, which penalizes “carrying out activities aimed at overthrowing the people’s administration.” When you’re charged with article 79 in Vietnam, it carries a maximum of the death penalty.

Father Nguyen Van Ly; Nguyen Van Hai, more commonly known as blogger Dieu Cay; and Phan Thanh Hai are all charged, for example, with article 88, which penalizes conducting propaganda against the state. And that carries a maximum sentence of 12 years.

So what does House Resolution 484 do? It addresses these very vague national security provisions, and it calls on the Government of Vietnam to cease abusing provisions such as articles 79 and 88. Using those articles to arrest peaceful democracy advocates, I believe, is blatant human rights violations. Vietnam is a signatory to the Universal Declaration of Human Rights and the International Covenant on Civil Rights and Political Rights. However, Vietnam has yet to become a responsible member of the international community. Consistently, the Vietnamese Government has denied its citizens the freedoms of religion, of opinion, of speech, of assembly, of the right to counsel, of a fair trial. How does this government expect to gain the respect of the international community when they refuse to treat their citizens with the same respect?

House Resolution 484 condemns the Government of Vietnam for its continued crackdown against democracy activists and calls on Vietnam to repeal

articles 79 and 88. It also calls for release of all political prisoners, writers, and bloggers that the only thing they've asked is to have a more open process, to have some civil rights, to have some human rights, to be able to discuss with each other a new way forward.

As Americans, we pride ourselves on being a country that stands by freedom, by liberty, and by justice. And as Members of this United States Congress, we have a responsibility. Other countries are watching us. We have a responsibility to stand up and to take steps and to say enough is enough.

As the Government of Vietnam continues to criminalize individual rights, as it criminalizes basic freedoms, I believe this is an indication that Vietnam is not interested in being a responsible member of the international community. We, the United States, need to examine our economic and our military relationships with Vietnam. We must insist on changes to human rights in that country.

I urge my colleagues to vote for House Resolution 484 to protect the rights and the freedoms of the citizens of Vietnam; and in doing so, we protect the rights and freedoms of every citizen in this world.

Ms. ROS-LEHTINEN. Mr. Speaker, I continue to reserve the balance of my time.

Mr. BERMAN. Mr. Speaker, I have no further requests for time, and I'm prepared, if you're prepared to close, to yield back the balance of my time, and I will yield back the balance of my time.

Ms. ROS-LEHTINEN. Just in closing, I would hope some of these impassioned speakers on behalf of respect for human rights, democracy, and the rule of law for the people of Vietnam, as meritorious as they are, I hope that they're extended to my native homeland of Cuba as well. May we hear those voices on the House floor calling for those same characteristics for the people of Cuba.

With that, Mr. Speaker, I yield back the balance of my time.

Ms. ZOE LOFGREN of California. Mr. Speaker, I rise today in support of H. Res. 484. I am proud to cosponsor this important resolution introduced by my good friend, fellow Californian, and co-chair of the Vietnam Caucus, Representative LORETTA SANCHEZ. This resolution calls on the Government of the Socialist Republic of Vietnam to respect basic human rights and to stop abusing vague national security provisions such as articles 79 and 88 of the Vietnamese penal code, articles which are frequently cited as the justification for the arrest and detention of citizens who peacefully advocate for religious and political freedom.

The use of these draconian laws to silence opposition and maintain one-party control is unacceptable and should not be tolerated. I strongly urge my colleagues to support this resolution, and to speak out for the activists whose voices have been silenced by the repressive regime in Vietnam.

The SPEAKER pro tempore. The question is on the motion offered by

the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 484, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

TAIWAN OBSERVER STATUS IN THE INTERNATIONAL CIVIL AVIATION ORGANIZATION

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and concur in the concurrent resolution (S. Con. Res. 17) expressing the sense of Congress that Taiwan should be accorded observer status in the International Civil Aviation Organization (ICAO).

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

S. CON. RES. 17

Whereas the Convention on International Civil Aviation, signed in Chicago, Illinois, on December 7, 1944, and entered into force April 4, 1947, approved the establishment of the International Civil Aviation Organization (ICAO), stating "The aims and objectives of the Organization are to develop the principles and techniques of international air navigation and to foster the planning and development of international air transport so as to . . . meet the needs of the peoples of the world for safe, regular, efficient and economical air transport";

Whereas, following the terrorist attacks of September 11, 2001, the ICAO convened a high-level Ministerial Conference on Aviation Security that endorsed a global strategy for strengthening aviation security worldwide and issued a public declaration that "a uniform approach in a global system is essential to ensure aviation security throughout the world and that deficiencies in any part of the system constitute a threat to the entire global system," and that there should be a commitment to "foster international cooperation in the field of aviation security and harmonize the implementation of security measures";

Whereas, the 37th ICAO Assembly in October 2010 adopted a Declaration on Aviation Security largely in response to the attempted sabotage of Northwest Airlines Flight 253 on December 25, 2009, which established new criminal penalties for the use of civil aircraft as a weapon, the use of dangerous materials to attack aircraft or other targets on the ground, and the unlawful transport of biological, chemical, and nuclear weapons and related materials, along with extradition arrangements that facilitate cooperation among nations in apprehending and prosecuting those who have undertaken these and other criminal acts;

Whereas, on October 8, 2010, the Department of State praised the 37th ICAO Assembly on its adoption of the Declaration on Aviation Security, but noted that "because every airport offers a potential entry point into this global system, every nation faces the threat from gaps in aviation security throughout the world—and all nations must share the responsibility for securing that system";

Whereas the Taipei Flight Information Region, under the jurisdiction of Taiwan, ROC, covers an airspace of 176,000 square nautical

miles and provides air traffic control services to over 1,350,000 flights annually, with the Taiwan Taoyuan International Airport recognized as the 8th and 18th largest airport by international cargo volume and number of international passengers, respectively;

Whereas exclusion from the ICAO since 1971 has impeded the efforts of the Government of Taiwan to maintain civil aviation practices that comport with evolving international standards, due to its inability to contact the ICAO for up-to-date information on aviation standards and norms, secure amendments to the organization's regulations in a timely manner, obtain sufficient and timely information needed to prepare for the implementation of new systems and procedures set forth by the ICAO, receive technical assistance in implementing new regulations, and participate in technical and academic seminars hosted by the ICAO;

Whereas the United States, in the 1994 Taiwan Policy Review, clearly declared its support for the participation of Taiwan in appropriate international organizations, in particular, on September 27, 1994, with the announcement by the Assistant Secretary of State for East Asian and Pacific Affairs that, pursuant to the Review and recognizing Taiwan's important role in transnational issues, the United States "will support its membership in organizations where statehood is not a prerequisite, and [the United States] will support opportunities for Taiwan's voice to be heard in organizations where its membership is not possible"; and

Whereas ICAO rules and existing practices have allowed for the meaningful participation of noncontracting countries as well as other bodies in its meetings and activities through granting of observer status: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that—

(1) meaningful participation by the Government of Taiwan as an observer in the meetings and activities of the International Civil Aviation Organization (ICAO) will contribute both to the fulfillment of the ICAO's overarching mission and to the success of a global strategy to address aviation security threats based on effective international cooperation;

(2) the United States Government should take a leading role in garnering international support for the granting of observer status to Taiwan in the ICAO for the purpose of such participation; and

(3) the Department of State should provide briefings to or consult with Congress on any efforts conducted by the United States Government in support of Taiwan's attainment of observer status in the ICAO.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. BERMAN) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida.

GENERAL LEAVE

Ms. ROS-LEHTINEN. I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to insert extraneous material into the RECORD on this measure.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. I yield 3 minutes to the gentleman from California (Mr. ROYCE), who has a strong interest